

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SOUTHWESTERN BELL MOBILE SYSTEMS, LLC, Plaintiff)	Civil Action No.: 04CV11584 PBS
v.)	
CHRISTOPHER P. KUHN, Defendant)	

**ASSENTED-TO MOTION TO EXTEND THE TIME TO OPPOSE PLAINTIFF'S
MOTION TO DISMISS COUNT III (DEMAND FOR AN ACCOUNTING) AND
COUNT IV (BREACH OF CONTRACT) OF DEFENDANT'S COUNTERCLAIM**

The plaintiff, Southwestern Bell Mobile Systems, LLC ("SBMS"), has filed a Motion to Dismiss Count III (Demand for an Accounting) and Count IV (Breach of Contract) of Defendant's Counterclaim with this Court. The defendant, Christopher Kuhn's opposition to the motion is due to be filed on September 30, 2004. Mr. Kuhn, with the assent of SBMS, hereby requests an extension to October 15, 2004 to file his opposition to the motion.

As grounds for this request, Mr. Kuhn states that he is consulting with his attorneys concerning the matters set forth in the motion to dismiss. However, his attorneys are involved in preparing a trial which will run 3-4 weeks in the Barnstable Superior Court, Gable v. Mooney C.A. No.: 02-319 which is consolidated with Mooney v. Gable C.A. No.: 03-549 and which involves hundreds of documentary evidence therefore have been unable to complete the work to prepare the motion to dismiss.

WHEREFORE, Mr. Kuhn, with the assent of SBMS, hereby requests that this Court:

1. Grant his Assented-To Motion to Extend the Time to Oppose Plaintiff's Motion

to Dismiss Count III (Demand for Accounting) and Count IV (Breach of Contract) of Defendant's Counterclaim through and including October 15, 2004; and

2. Grant such other and further relief as this Court deems just and appropriate.

The defendant
by his counsel,

/s/ Lois M. Farmer
Gerald S. Garnick, BBO #185920
Lois M. Farmer, BBO #552142
Alex M. Rodolakis, BBO #567781
Garnick & Scudder, P.C.
32 Main Street
Hyannis, MA 02601
508-771-2320

Assented to:

The plaintiff
by its counsel,

/s/ Jonathan Sablone
Jonathan Sablone, BBO #632998
Juan A. Concepcion, BBO #658908
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110-2131
617-345-1000

Dated: October 4, 2004

CERTIFICATE OF SERVICE: I, Lois M. Farmer, hereby certify that I have served a true copy of the foregoing documents on all parties/counsel of record by forwarding the documents, first class mail postage prepaid, on _____.

/s/ Lois M. Farmer
Lois M. Farmer, BBO #552142